

HUMAN RESOURCES POLICY

Fauquier County, Virginia

Policy Title: Military Leave
Section No.: 2-L

Effective Date: 12/16/02
Supersedes Policy: 06/18/01

I. PURPOSE

It is the objective of the Board of Supervisors to grant military leave to employees for active duty in the armed services of the United States. It is also the Board's objective to grant military leave to former members of the armed services and current members of any United States reserve forces, the Commonwealth's militia, or the National Defense Executive Reserve.

II. SCOPE

This policy applies to all permanent full-time and permanent part-time employees.

III. DEFINITIONS

~~A. Military Leave With Pay~~

~~Military leave with pay is defined as a period of approved absence, not to exceed 15 workdays, during which employees continue to be paid by the general government while engaged in active military duty or state or federally funded military training duty.~~

~~B. Military Leave Without Pay~~

~~Military leave without pay is defined as a period of approved absence during which employees' pay is discontinued by the general government while they are engaged in active military duty or state or federally funded military training duty.~~

IV. III. PROCEDURES

A. Military Leave Requests And Approval

1. An employee requiring military leave must request approval from his/her supervisor, or supervisor's designee.
2. An employee request for military leave must be accompanied by a copy of the official military orders.

3. Approved military leave requests must be submitted to the Human Resource Department within ten (10) days prior to the effective date of the leave request.

B. Periods Of Non-Emergency

1. During a time of non-emergency, a permanent employee who is a member of the National Guard or an organized military reserve of the United States shall be allowed a leave of absence with pay not to exceed fifteen (15) workdays during any one calendar year to attend training camp.
2. In the event that flexibility exists with respect to scheduling the time of such training, the time shall be designated at the discretion of the employee's supervisor.
3. An employee shall be entitled to leave with pay not to exceed one (1) day to report for a selective service physical examination.
4. Leave to report for a selective service physical examination shall be included as part of the fifteen (15) days of military leave allowed each year.
5. A probationary employee who takes military leave with pay shall have his/her probationary period extended for the length of the leave.

C. Periods of National Emergency

1. Leave Without Pay Status
 - a. A permanent employee who voluntarily leaves general government service to join the military forces of the United States, ~~or is drafted,~~ during a time of war or other national emergency shall be placed on military leave without pay.
 - b. A permanent employee who is currently a member of the military forces of the United States and who leaves the services of the General County Government as a result of a call to active duty shall be paid the difference between their daily military pay and their daily General County Government rate of pay for a period of twelve (12) consecutive calendar months while they are participating in military leave. Such payments to employees shall be evaluated after the twelve (12) month period and a decision shall be made with respect to continuation of pay by the County.
 - c. If the military pay exceeds the employee's General Government County rate of pay, the General Government

~~County shall not pay the employee their salary during that portion of leave.~~

d. It shall be the responsibility of the employee taking military leave to submit a copy of his/her military pay voucher to the Payroll Department as soon as it is received in order for proper paycheck adjustments to be made.

- b. Military leave without pay ~~shall~~may extend until ninety (90) days after the employee is relieved from military service.
- c. At his/her discretion, an employee may retain all or a portion of his/her accrued annual leave or compensatory leave, up to the allowable maximum, or be paid for the accrued leave prior to beginning military leave without pay.
- d. An employee who has three or more years of continuous general government employment at the time military leave without pay begins may retain his/her sick leave balances (which shall be reactivated upon reinstatement to general government service), or be paid on the prorated pay out schedule for sick leave.
- e. An employee will not accrue annual or sick leave during military leave without pay status.
- f. A probationary employee who takes military leave without pay shall have his/her probationary period extended for the length of the leave.

2. Benefits

A permanent employee who leaves general government service to join the military forces of the United States, or is drafted, during a time of war or other national emergency shall be extended the following benefits:

- a. ~~If~~If an employee earns any pay in the months in which military leave without pay begins or ends, the general government shall make retirement contributions based on the employee's full monthly base salary. Contributions will be discontinued for the balance of time the employee is on military leave without pay.
- b. Health insurance benefits shall continue for the employee as long as the employee pays his/her health insurance premiums. If an employee earns any pay in the months in which military leave without pay begins or ends, the general government shall pay its portion of the employee's health insurance premium for those

~~months. The employee's health insurance shall be canceled for the balance of time the employee is on military leave without pay. During this period, however, the employee and his/her family will be offered the opportunity for a temporary extension of health coverage under the provisions of Federal law relating to COBRA. Should the employee choose not to continue health insurance coverage through the County Government, t~~The employee shall be allowed to re-enroll in the health insurance program upon return to general government service.

- c. The employee may submit an application to the Virginia Retirement System for Free Service Credit for Military Leave upon his/her return to work at the end of the leave period.
- d. The employer/employee portion of the Life Insurance premium provided through the Virginia Retirement System shall be paid by the general government for a maximum of two years from the date military leave without pay begins.

3. Reinstatement From Military Service

- a. An employee shall be entitled to reinstatement to his/her vacated job position provided he/she makes application to the Human Resources Department within ninety (90) days after the date of honorable discharge, and is physically and mentally capable of performing the work of the job position.
- b. An employee returning to his/her previous position from military leave shall be reinstated to his/her former job at the same salary level he/she had attained when placed on military leave status.
- c. An employee returning to his/her previous job position from military leave shall receive all merit and/or general salary increases he/she normally would have received had he/she remained on the job.
- d. A probationary employee who takes military leave without pay shall serve his/her remaining probationary period upon return to work.
- e. In the event that the vacated position no longer exists, the employee shall be entitled to re-employment in another position of the same classification in the general government service, provided such re-employment does not necessitate the laying off of another employee who was hired at an earlier date than the employee returning from military leave.

- f. If such a comparable position is not available, the employee shall be considered affected by a reduction in force and the provisions of the Reduction In Force policy shall apply.